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EXPRESSION

Clearing the path for Truth

NATE KELLUM
Chief Counsel

December 22, 2016

Honorable Thérèse W. Dancks
United States Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse NY 13261-7346

VIA CM/ECF

Re: *Deferio v. City of Syracuse, et al*
Northern District of New York 16-CV-0361 (LEK/TWD)

Dear Judge Dancks:

Plaintiff hereby submits this letter in response to the Court's Order requesting a proposed confidentiality order. Please know Plaintiff cannot agree – and in fact objects – to a confidentiality order regarding the subject record, as identified by Defendants.

Because Plaintiff is not privy to the details or basis for the Syracuse City Court placing the subject record under seal, Plaintiff cannot state with any confidence that the document can or ought to be unsealed for the purposes of this proceeding. Particularly, Plaintiff does not believe this record has any probative value that could justify an unsealing.

The irrelevant nature of the record was confirmed in the depositions taken the other day. The record in question does not pertain to any action taken by the Syracuse police against Mr. Deferio, dealing with an independent and tangential matter that has absolutely no bearing on the constitutional issues at hand. Due to this irrelevancy, Plaintiff knows of no merited ground for pursuing an unsealing order on the record, and thus, cannot agree to any confidentiality terms that would allow for the record to be unsealed. Plaintiff affirmatively objects to the production of the record in this cause and specifically asks the document remain sealed.

Sincerely yours,

s/Nathan W. Kellum
NATHAN W. KELLUM
NDNY Bar Roll #302459
TN BAR #13482; MS BAR #8813

NWK/sgr

CC: Todd M. Long, Esq. (*via CM/ECF*)
John A. Sickinger, Esq. (*via CM/ECF*)